

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

2005 DEC -2 AM 9:30

STEVEN L. INSKEEP,

Plaintiff,

-vs-

PEOPLES SAVINGS BANK, et al.,

Defendants.

Case No. 3:04-cv-139

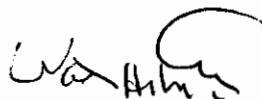
District Judge Walter Herbert Rice
Chief Magistrate Judge Michael R. Merz

ORDER ADOPTING REPORT AND RECOMMENDATIONS ON APPEAL FEE

The Court has reviewed the Report and Recommendations on Appeal Fee of United States Magistrate Judge Michael R. Merz (Doc. #55), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on November 25, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that this Court hereby certifies to the United States Court of Appeals for the Sixth Circuit that Plaintiff's appeal to that Court of October 7, 2005, is frivolous. Plaintiff is hereby assessed the full filing fee of \$255 which shall be paid not later than December 28, 2005. The Court notes that Plaintiff has withdrawn the appeal, but the appellate filing fee is assessed upon filing in order to defray the costs of processing appeals.

December 1, 2005.



Walter Herbert Rice
United States District Judge